

**Atty Docket D-2958RE**

In re Reissue Application  
of

Inventor(s) :  
Dennis E. Parham

## Merchandising Display Track Device Of Multiple-Piece Construction

Serial No.: 10/705,666

Confirmation No.: 5356

Filed: November 10, 2003

Group Art Unit: 3634

Examiner: Novosad, J. E.

I hereby certify that this correspondence is being deposited today with the United States Postal Services as first class mail in an envelope addressed to: :

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Commissioner for Patents

P. O. Box 1450

Alexandria VA 22313-1450

Albion, W. E. 1886

Name: John L. James

Registration No. 28,724

Date: January 8, 2008

Commissioner for Patents  
Alexandria, VA 22313-1450

Siri:

**PETITION FOR RECONSIDERATION**

This is a petition for reconsideration of the decision on the petition by Applicant, Display Industries, LLC., to accept the filing of the above-identified U.S. Reissue Patent Application by it, as the party to which the invention disclosed and claimed in said Reissue Patent Application rightfully belongs, and on behalf of and as agent for the inventor.

The amount of \$200.00 has been noted as having been received on June 11, 2007, however, the required fee is \$400.00.

This request is accompanied by check in the amount  
of \$200.00 for the remainder of the required \$400.00 fee.

01/10/2008 SSITHIB1 00000030 107056

01 FC:1463

200.00 OP

01/10/2008 SSITHIB1 00000059 10705666

01 FC:1462

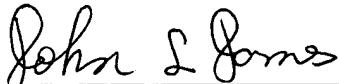
400.00 OP

01 FCT:463  
Adj just amount - date: 01/07/2007 - SS#11111111  
Adj just amount - date: 01/07/2007 - SS#11111111  
-200.00 op

The facts are that Petitioner's Attorney inadvertently submitted the \$200.00 fee pursuant to 37 C.F.R. § 1.17(g) rather than the \$400.00 fee pursuant to 37 C.F.R. § 1.17(g). In the petition, Petitioner's Attorney also inadvertently referred to 37 C.F.R. § 1.17(h) which requires a fee \$130.00 instead of the \$400.00 fee required by 37 C.F.R. § 1.17(g).

Petitioner's Attorney apologizes for the error and confusion and now submits that the petition is in condition for approval.

Respectfully submitted,



John L. James  
Attorney for Applicant(s)  
Registration No. 28,724

Atty Docket No. D-2958RE  
Serial No.: 10/705,666  
Petition  
Telephone: 678-520-7665



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**OFFICE OF PETITIONS**

In re Application of :  
Dennis E. Parham :  
Application No.: 10/705,666 : ON PETITION  
Filing Date: November 10, 2003 :  
Attorney Docket No. 10/705,666 :

This is a decision on the "Petition for Filing by Assignee" filed June 11, 2007, which will be treated as a petition under 37 CFR 1.183 to waive the requirements of 37 CFR 1.175.

The petition is **dismissed**.

Petitioner requests that the supplemental reissue declaration be accepted without the signature of inventor Dennis E. Parham, as inventor Parham is refusing to sign the declaration. It is noted, that in this case, 37 CFR 1.175 requires the filing of a supplemental reissue declaration signed by all named inventors, yet petitioner has demonstrated that inventor Parham refuses to sign the supplemental reissue declaration. In such a case, Section 1414.01 of the *Manual of Patent Examining Procedure* (MPEP) provides that:

[if] a joint inventor refuses or cannot be found or reached to sign a supplemental oath/declaration, a supplemental oath/declaration listing all the inventors, and signed by all the available inventors may be filed provided it is accompanied by a petition under 37 CFR 1.183 along with the petition fee, requesting waiver of the signature requirement of the non-signing inventor.

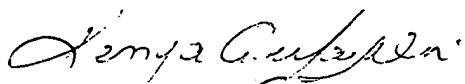
Accordingly, the instant petition will be treated as petition under 37 CFR 1.183 to waive the requirement of 37 CFR 1.175 so as to accept the supplemental reissue declaration filed April 23, 2007, without the signature of inventor Parham. Review of the merits of petition indicates that the petition is grantable, however; the petition must be dismissed because the fee for the petition under 37 CFR 1.182 did not accompany the petition. The amount of \$200.00 is noted as having been received on June 11, 2007, however, the fee for a petition under 37 CFR 1.183 is \$400.00. The remainder of the petition fee or an authorization to charge a deposit account for the same must accompany the renewed petition.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

By FAX: (571) 273-8300  
Attn: Office of Petitions

Telephone inquiries regarding this matter should be directed to the undersigned at (571) 272-3222.



Kenya A. McLaughlin  
Petitions Attorney  
Office of Petitions